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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Siebre Josephus Schaafsma

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EXAMINER

HOANG, DANIEL L

ART UNIT

PAPER NUMBER

2136

MAIL DATE

DELIVERY MODE

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,724	Applicant(s) SCHAAFSMA, SIEBREN JOSEPHUS	
	Examiner DANIEL L. HOANG	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIMS PRESENTED

Claims 21-36 are currently pending.

Response to Arguments

Applicant's arguments, see pages 6-7, filed 11/07/07, with respect to the rejection(s) of claim(s) 21, 27, and 31 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lorello, US Patent No. 6751463.

Applicant's amendment of claims 21, 27 and 31 in order to overcome the previous action's 112 rejections have been considered and deemed successful. Appropriately, said previous rejections have been withdrawn.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-36 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzeja, US Patent No. 6633982 and further in view of Lorello, US Patent No. 6751463.

As per claim 21, 27, 31:

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A sender for transmitting a content file to a receiver, said sender comprising:

means for dividing the content file into a first part and a second part;

[see col. 2, lines 28-30] "the specialized software at computer station one (FIG. 2) will separate certain elements from the movie before encryption and compression."

means for sending the first part to the receiver;

[see col. 2, lines 35-37] "the remaining bifurcated elements of the movie encrypted and condensed for transmission via a digital satellite up-link."

means for encrypting the second part without using the at least one cache server; and

[see col. 2, lines 31-34] "Those elements best suited for transmission via the Internet (sound and several randomly selected elements of the movie) will be separated, then after encryption and compression, will be dispatched to a secure site on the world wide web."

means for sending the encrypted second part to the receiver.

[see col. 2, lines 37-39] "The data from both synchronized concurrent transmissions (Internet and satellite) will then be processed at the receiver station two."

Kurzeja does not teach that the first part is sent to the receiver "via at least one cache server." As evident by the background of applicant's specification, "caching memories are frequently used in network systems in order to achieve a faster and more efficient data transmission." It would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to send the first part of the content to the receiver via satellite from a cache server so that the data can be easily and quickly accessed, thus resulting in faster and more efficient data transmission.

Kurzeja also does not teach generation of a decryption key for decrypting the encrypted data. Decryption keys are well known in the art. It would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to modify the Kurzeja invention to include generation of a decryption key. One would be motivated to do this so that the end user would be able to decrypt any encrypted data in order to make it possible for viewing. It would be further obvious to make the decryption key available to the end user via a third network, as opposed to generation of the key by the sender or the end user, because 1) the end user or sender may not have the applicable system

requirements to generate said key, and 2) generating the key at a third network would make the overall system more secure and possibly more efficient.

The combination of Kurzeja, applicant's background, and the above cited well known practices in the art are mute in teaching that the decryption key is sent to the end user terminal via a short message service (SMS) network and that the key is included in a short message service message. In order to provide this limitation, examiner relies upon the Lorello reference. Lorello teaches a method for intelligent delivery and storage of various information service messages to a subscriber including short message service messages, see col. 1, lines 8-14. Lorello further teaches that the advantage in utilizing a short message service network is that the delivery of the message is guaranteed to the supported subscribers whether or not the intended recipient is "on-line" or active, see col. 2, lines 1-10. It would have been obvious to one of ordinary skill in the art to modify the above teachings of Kurzeja with the SMS network of Lorello in order to deliver the decryption key through an SMS network. This would be advantageous in the fact that even if the recipient is inactive when a short message is originally submitted to them, the short message with be stored at the relevant SMS servicing the particular subscriber and forwarded once the subscriber once again becomes active. This guarantees that the recipient will receive the decryption key.

As per claim 22, 32:

The sender of claim 21, further comprising means for sending the encrypted second part via a different network than the first part.

[see rejection of claim 21, wherein the first part is sent via satellite and the second part is sent via the Internet.]

As per claim 23, 33:

The sender of claim 21, wherein said encrypted second part comprises vital data of said content file.

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[see col. 2, lines 43-45] “even if the scrambled satellite signal were pirated and the encryption code broken, the film would be virtually worthless without the missing elements.”

As per claim 24, 34:

The sender of claim 21, wherein the first part comprises video data and the encrypted second part comprises audio data, or the first part comprises audio data and the encrypted second part comprises video data.

[see rejection of claim 21, wherein the second part is “sound” and the first part is “remaining bifurcated elements”]

As per claim 25, 35:

The sender of claim 21, wherein said sender is arranged to transmit said content file using a streaming protocol.

It is well known in the art that the Internet is capable of implementing streaming protocols, (see US Patent No. 6,785,688, Abajian et al). It would have been obvious at the time of the invention to one of ordinary skill in the art to utilize streaming content so that the user can view content continuously as it is being delivered by the sender.

As per claim 26, 36:

The sender of claim 21, wherein encrypted data in the encrypted second part comprises predetermined frequency components of the content file.

[see col. 1] “if the pirate is successful in cracking the encryption code of the satellite feed, the best case scenario is possession of a fragmented soundless movie.”

Examiner is interpreting the sound as a frequency component.

As per claim 28:

The telecommunication system of claim 27, further comprising at least one receiver arranged for communicating with said sender via the at least one cache server and for communicating with said sender without using a cache server.

The Kurzeja reference has been discussed above. It is clear that the receiver communicates with the sender in order to receive content. But Kurzeja is mute in teaching that the receiver is arranged to communicate with the sender via at least one cache server. Although the cache server residing on the satellite component of the system transmits data to the receiver, Kurzeja does not explicitly teach that the receiver initiates or replies with any communication of its own. It would have been obvious at the time of the invention to one of ordinary skill in the art to allow the sender to have the ability to communicate with the sender via the cache server. First off, being able to communicate with the cache server allows the receiver to request content directly from the cache server. But in the event that the cache server is unable to supply the content that the receiver requests, it would be beneficial to notify the sender so that the appropriate content may be transmitted to the cache server and then to the receiver.

As per claim 29:

The telecommunication system of claim 28, wherein said at least one cache server is arranged for communicating with more than one sender, said more than one sender using the same or different encryption.

The Kurzeja reference has been discussed above. Kurzeja does not teach that the cache server is arranged to communicate with more than one sender. It would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to modify the Kurzeja invention so that the cache servers can communicate with more than one sender. This would be beneficial because having access to only one sender may limit the speed and efficiency of the system. Allowing the cache servers to communicate with more than one server gives the system the ability to request content from other senders in case the first sender is overloaded or down for maintenance. This would reduce upon the overall downtime of the system.

In reference to the limitation "said more than one sender using the same or different encryption;" as it is evident by applicant's disclosure within the background of applicant's specification, it would have been obvious to one of ordinary skill in the art to encrypt data so that only intended recipients may decrypt it.

As per claim 30:

The telecommunication system of claim 28, wherein said at least one cache server is arranged for communicating with more than one sender, said more than one sender using watermark techniques.

[see rejection of claim 29, further, as it is evident by applicant's disclosure in the background of the specification, it would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to watermark data in order to protect it against illegal distribution.]

*. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

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Alexandria, VA 22314

*. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Hoang
2/15/07

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136